

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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HARVEY McDANIELS,

Plaintiff,

v.

STEVEN WOLFSON,

Defendant.

Case No. 2:15-cv-00251-MMD-PAL

ORDER ACCEPTING REPORT AND
RECOMMENDATION OF MAGISTRATE
JUDGE PEGGY A. LEEN

Before the Court is the Report and Recommendation of United States Magistrate Judge Peggy A. Leen (dkt. no. 6) ("R&R") relating to plaintiff's failure to comply with the Court's order requiring Plaintiff to pay an initial partial filing fee of \$57.21. (Dkt. no. 4.) Plaintiff was advised that failure to do so would result in a recommendation for an order dismissing this action. (*Id.*) Plaintiff failed to comply. Accordingly, Magistrate Judge Leen issued the R&R, recommending that the Court permit Plaintiff to withdraw his application to proceed *in forma pauperis* and complaint, which is apparently Plaintiff's desire as evidenced by a letter he sent to the Clerk of Court. (Dkt. no. 6.) The Court agrees with the Magistrate Judge and adopts the Report and Recommendation (dkt. no. 6) in its entirety. It is therefore ordered that Plaintiff's complaint and application to proceed *in forma pauperis* (dkt. nos. 1, 1-1) are withdrawn and this action is dismissed.

The Clerk is instructed to close this case.

DATED THIS 2nd day of October 2015.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE